REMARKS

Applicant hereby replies to the Office Action dated March 17, 2009, in the above-referenced patent application. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

After this amendment, claims 1, 4-8, 10, 12-14 and 44-48 are pending in the above-referenced patent application. Applicant notes with appreciation that the Examiner has allowed claims 7, 14, 45 and 47. Applicant also notes with appreciation the Examiner's assertions that claims 5 and 12 are objected to but would be allowable if rewritten in independent form. Claims 1, 7, 8, 14 and 48 are independent.

Claims 1, 3, 4, 6, 8, 10, 11, 13, 44 and 46 are rejected under of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,943,422 issued to Van Wie ("Van Wie").

Claim Amendments

Claims 1, 4-6, 8, 12 and 13 are amended for clarification. Claims 3 and 11 are canceled without prejudice. New claim 48 is added. No new matter is added.

Rejections under 35 U.S.C. § 102(e)

Rejection of claims 1, 3, 4, 6, 8, 10, 11, 13, 44 and 46 under 35 U.S.C. §102(e) as being anticipated by Van Wie is respectfully traversed because for at least the following reasons, Van Wie does not disclose all of the claimed limitations.

According to MPEP §2131,

> '[a] claim is anticipated only if each and every element as
> set forth in the claim is found, either expressly or inherently
> described, in a single prior art reference.' (<u>Verdegaal Bros.
> v. Union Oil Co. of California</u>, 814 F.2d 628, 631, 2
> USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical
> invention must be shown in as complete detail as is
> contained in the ... claim.' (<u>Richardson v. Suzuki Motor
> Co.</u>, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir.
> 1989)). The elements must be arranged as required by the
> claim, but this is not an ipsissimis verbis test, *i.e.*, identity of
> terminology is not required. (<u>In re Bond</u>, 910 F.2d 831, 15
> USPQ2d 1566 (Fed. Cir. 1990)).

Independent claim 1 requires, in part,

> encoding the digital audio-visual signal to *obtain an
> encoded signal*; converting the encoded signal into *a copy
> protected signal using a copy protection function* that
> utilizes *a copy protection data signal* to prevent using the
> digital audio-visual signal without access to the copy
> protection data signal; *scrambling the copy protected signal
> to obtain a scrambled signal*; transmitting *the scrambled
> signal* and *said copy protection data signal* to a receiver as
> *a single signal* for subsequent recovery of said digital
> audio-visual signal; *recovering said scrambled signal from
> the single signal*; descrambling the recovered scrambled
> signal to *regain said copy protected signal*; *using an
> inverse copy protection function, wherein the inverse
> function utilizes copy protection data represented by the
> copy protection data signal* (emphasis added).

Independent claim 8 requires, in part,

> *a transmitter configured to transmit the scrambled signal
> and the copy protection data signal as a single signal* to a
> receiver for subsequent recovery of said digital audio-
> visual signal; a processor including a computer program
> product comprising a computer usable medium including a
> computer readable program, wherein the computer readable
> program when executed on the processor causes the
> processor to: *recover said scrambled signal from the single
> signal*; a descrambler configured to descramble the

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> recovered scrambled signal to *regain said copy protected signal*; and a reconverter configured to *convert the regained copy protected signal back into said encoded signal using an inverse copy protection function, wherein the inverse function utilizes said stored copy protection data* (emphasis added).

By contrast, Van Wie fails to disclose at least these claimed limitations.

Van Wie discloses using steganographically encoded spectral information that is subjected to an inverse spectral transform to output a version of an inputted digitized time-domain signal. The digitized signal therefore, includes the steganographically encoded information and may be further scrambled (Van Wie, col. 18, line 59 to col. 19, line 29). Therefore, the input signal is simply encoded steganographically. That is, the steganographical signal comprises a single signal, not a signal including a *scrambled signal* and a *copy protection data signal*" (emphasis added). Moreover, these two signals are processed by "transmitting *the scrambled signal* and *said copy protection data signal"* to a receiver as *a single signal* for subsequent recovery of said digital audio-visual signal; *recovering said scrambled signal from the single signal*; descrambling the recovered scrambled signal to *regain said copy protected signal; using an inverse copy protection function, wherein the inverse function utilizes copy protection data represented by the copy protection data signal* (emphasis added).

Therefore, Van Wie does not teach or suggest

> encoding the digital audio-visual signal to *obtain an encoded signal*; converting the encoded signal into *a copy protected signal using a copy protection function* that utilizes *a copy protection data signal* to prevent using the digital audio-visual signal without access to the copy protection data signal; *scrambling the copy protected signal to obtain a scrambled signal*; transmitting *the scrambled signal* and *said copy protection data signal* to a receiver as *a single signal* for subsequent recovery of said digital audio-visual signal; *recovering said scrambled signal from the single signal*; descrambling the recovered scrambled

signal to *regain said copy protected signal*; *reconverting the regained copy protected signal back into said encoded signal using an inverse copy protection function, wherein the inverse function utilizes copy protection data represented by the copy protection data signal* (emphasis added),

as required, in part, by independent claim 1, or

a transmitter configured to transmit the scrambled signal and the copy protection data signal as a single signal to a receiver for subsequent recovery of said digital audio-visual signal; a processor including a computer program product comprising a computer usable medium including a computer readable program, wherein the computer readable program when executed on the processor causes the processor to: *recover said scrambled signal from the single signal*; a descrambler configured to descramble the recovered scrambled signal to *regain said copy protected signal*; and a reconverter configured to *convert the regained copy protected signal back into said encoded signal using an inverse copy protection function, wherein the inverse function utilizes said stored copy protection data* (emphasis added),

as required, in part, by independent claim 8. In view of the above, Van Wie fails to disclose all of the limitations of independent claims 1 and 8 of the present application. Therefore, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Van Wie. Thus, independent claims 1 and 8 are patentable over Van Wie for at least the reasons set forth above. Dependent claims 4, 6 and 44 (claim 3 being canceled), and 10, 13 and 46 (claim 11 being canceled), respectively, are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 1, 3, 4, 6, 8, 10, 11, 13, 44 and 46 is respectfully requested.

New claim 48 requires, in part,

> a processor configured to: *separate said copy protection data signal and said scrambled signal from the digital signal*; store copy protection data in a memory; *descramble the separated scrambled signal to recover a copy protected signal*; and *reconvert the recovered copy protected signal back into an encoded signal using an inverse copy protection function*, wherein the inverse function utilizes said stored copy protection data; and *decode the encoded signal to recover said audio-visual signal, wherein the copy protected signal prevents use of the audio-visual signal without access to the copy protection data* (emphasis added).

Similarly as discussed in reference to independent claims 1 and 8, Van Wie does not teach, disclose or even suggest these limitations as Van Wie encodes a signal steganographically and does not have to separate a copy protection signal and a scrambled signal from a single digital signal. Therefore, new claim 48 is patentable over Van Wie for at least these reasons.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes that the rejected claims are in condition for allowance. Reconsideration, re-examination, and allowance of the rejected claims are respectfully requested. If the Examiner feels that a telephone interview would help with the examination of the present application, the Examiner is encouraged to call the undersigned attorney or his associates at the telephone number listed below.

Please direct all correspondence to **Myers Andras Sherman LLP**, 19900 MacArthur Blvd., 11th Floor, Irvine, California 92612.

Respectfully submitted,

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